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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,689	10/29/2001	Thomas Burger	PHAT 000063	9521
24737	7590	10/05/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			DANG, HUNG Q	
			ART UNIT	PAPER NUMBER
			2635	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/039,689

**Applicant(s)**

THOMAS BURGER

**Examiner**

Hung Q Dang

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4.5</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because all the boxes in figures 1-3 need to be labeled. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 4 and 8** recite the limitation "means (39)", which was not previously claimed. There is insufficient antecedent basis for this limitation in the claim.

4. Claims 4 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. To be specific, it is not clearly understood what "means 39" is and there is no function of said means is claimed.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Katayama Yousuke EP 0 309 201 A2.

**Regarding claim 1**, Katayama teaches a data carrier (Figure 3, unit 2) for the contactless communication with a communication station (Figure 3, unit 1); by means of which communication station (column 5 lines 12-50), a communication signal (column 5 line 21 "the oscillation circuit 4 supplies a signal of around 200 kHz") can be generated, which can be transmitted to the data carrier in a contactless manner (non-contact electromagnetic coupling);

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Said data carrier includes an integrated circuit (the entire data carrier is an IC card);

Said integrated circuit includes a voltage generation circuit (column 5 lines 25-28) to which said communication signal can be applied and which is adapted to generate a D.C. supply voltage with the aid of the communication signal (column 5 lines 25-30) and in which at least one electrical quantity appears (the DC power on line 26 is the electrical quantity). Said electrical quantity (supply voltage) inherently has an amplitude value;

Said integrated circuit additionally includes first switch means (implied) to which at least one representation value (column 5 line 34) representative of said electrical quantity can be applied and said switching means is adapted to generate a representation signal (the "control voltage" on line 34 is the representation value) being representative of the amplitude value of the at least one representation value; and

Said integrated circuit also includes a second switching means (implied), with the aid of which, the representation signal can be transmitted to the communication station (column 5 lines 36-42).

**Claim 5** is rejected for the same reasons as claim 1.

**Regarding claims 2 and 6**, Katayama also teaches an analog-to-digital converter (column 7, lines 41-50).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama Yousuke EP 0 309 201 A2.

**Regarding claims 3 and 7**, one of ordinary skill in the art would recognize that a conventional interrogation/response system does have a command evaluation means which is adapted to receive and process (evaluate) an interrogation command supplied by a communication station and which after reception and processing (evaluation) of such an interrogation command cause a response (representation) signal to be transmitted from the receiver (data carrier) to the interrogator (communication station).

Therefore, by conventionality, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide such interrogation/response process to the system disclosed by Katayama in order to receive/process command signal from the communication station and respond to said command signal.

9. Claims 4 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katayama Yousuke EP 0 309 201 A2 in view of applicant's prior arts admission.

**Regarding claims 4 and 8**, as mentioned above, Katayama teaches a data carrier as claimed in claim 4 and 8. Katayama does teach a representation value being a control voltage generated by the voltage generation circuit as mentioned in the

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rejection of claim 1. However, Katayama does not specifically teach a **voltage limiting stage** included in the voltage generation circuit so that the voltage and current appearing in the voltage limiting stage can be applied to the first switching means as a representation value.

Applicant's prior arts admission discloses that equipping a voltage limiting stage in a voltage generation circuit has been commonly known (page 7 of the specification, lines 27-34) so that a limited supply voltage can be generated from said voltage generation circuit.

Therefore, by conventionality, it would have been obvious to one skilled in the art at the time the invention was made to provide a voltage limiting stage to the voltage generation circuit disclosed by Katayama to optimally control the voltage generated by the voltage generation circuit.

### **Conclusion**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q Dang whose telephone number is (571) 272-3069. The examiner can normally be reached on 9:30AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (571) 272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HD

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

